

United States District Court
District of Massachusetts

_____)	
United States of America,)	
)	
v.)	Criminal Action No.
)	19-10293-NMG
Augusto Valdez,)	
)	
Defendant.)	
_____)	


ORDER

GORTON, J.

Augusto Valdez ("defendant" or "Valdez") appealed this Court's decision to strike his habeas corpus petition filed pursuant to 28 U.S.C. § 2255 during the pendency of his direct criminal appeal. The First Circuit Court of Appeals ("the First Circuit") held that this Court erred in rejecting the § 2255 motion on grounds that it was an improperly filed pro se motion and vacated that ruling. The First Circuit remanded defendant's motion to be dismissed without prejudice on the alternative ground that it was premature.

The § 2255 petition filed by Valdez (Docket No. 157) is, therefore, DISMISSED without prejudice.

So ordered.



Nathaniel M. Gorton
United States District Judge

Dated: May 10, 2023